

Applicant: Express Development Limited

Agent: Howard E. McCall

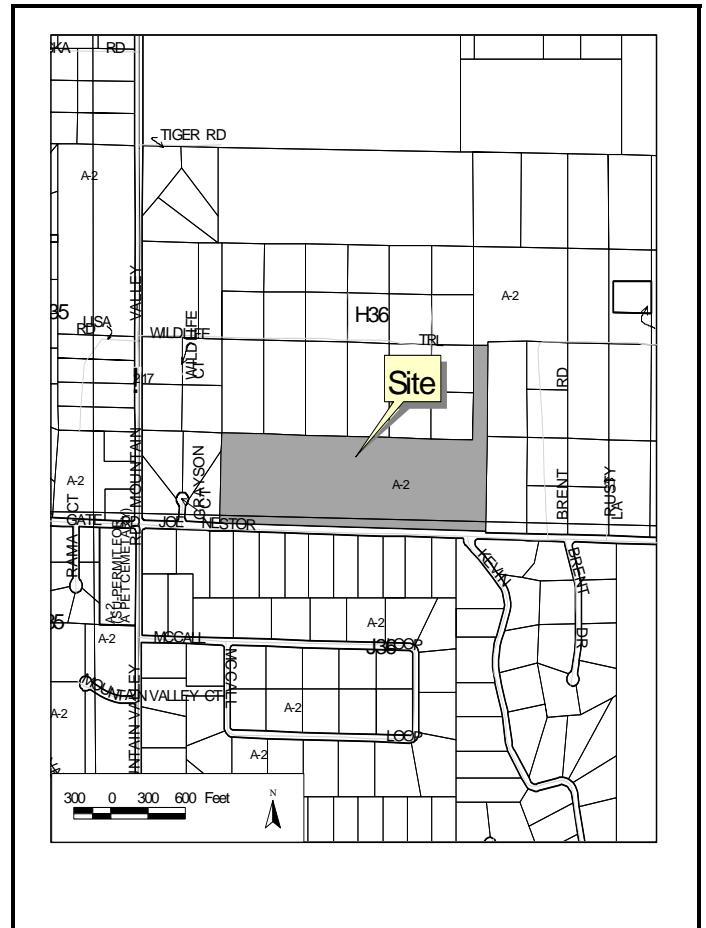
Location: North of Joe Nestor Road approximately 500 feet of Mountain Valley Road

Property Size: Approximately 32.26 acres

Existing Zone: A-2

Proposed Request: Preliminary Plat

Recommendation: Approval



Summary: The applicant is seeking Preliminary Plat approval of a fourteen (14) lot subdivision (Eagle Point) encompassing approximately 32.26 acres. The site is zoned A-2. On October 13, 2005, the County Development Review Authority (CDRA) deemed this submittal complete for preliminary plat. This request lies within the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and East Mountain Area Plan.

Staff Planner: Adella Gallegos, Associate Program Planner

- Attachments:**
1. Application
 2. Land Use Map
 3. Correspondence between Office of State Engineer and Entramosa Water and Wastewater Association.
 4. Letter from Ciudad Soil & Water Conservation Dist. (Dated November 25, 2005)
 5. Disclosure Statement, Proposed Plat (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from 11-15-05 to 12-05-05. Agency comments were used in preparation of this report, which being on page 10.

AGENDA ITEM NO.: 9
County Planning Commission
January 4, 2006

SC-50017 Howard E. McCall, agent for Express Development Ltd, requests preliminary plat approval for a fourteen (14) lot subdivision to be called Eagle Point Subdivision, Lot 5, Section 12, T10N R6E, Lot 5, LD-88-78, located north of Joe Nestor Road approximately 500 feet east of Mountain Valley Road, zoned A-2, containing approximately 32.26 acres. (H-36)

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	A-2	Vacant
North	A-2	Residential
South	A-2 and A-2/Special Use Permit for a Pet Cemetery	Residential & Pet Cemetery
East	A-2	Residential
West	A-2	Residential

BACKGROUND:

The Request

The applicant is requesting approval of a Preliminary Plat for a fourteen (14) lot subdivision (Eagle Point) encompassing approximately 32.26 acres. The proposed lot sizes range from 2.000 acres to 3.028 acres. The subject site is located north of Interstate 40 north of the Capital Valley Estates Subdivision adjacent to Joe Nestor Road. The primary access to the subdivision will be Joe Nestor Road from Mountain Valley Road.

Infrastructure proposed subdivision would be underground and provided to each parcel as noted in the Disclosure Statement. Entranosa Water and Wastewater Association will provide water service. It will be the responsibility of each owner to install a Bernalillo County approved septic system and to participate in the Entranosa septic management program. A private hauling company will pick up solid waste. The roads within Eagle Point will be dedicated to the County and are to be maintained by the County upon completion of construction to County road standards.

Surrounding Land Use and Zoning

The subject site is currently vacant and surrounded by existing residential development zoned A-2. Directly west of the site, exist a 5-lot subdivision (SRP-30016) that was approved by the CDRA in November of 2003 that incorporated the subject site as Lot 5. Directly southwest of the site, exist a Special Use Permit for a Pet Cemetery (CSU-71-72) that was approved on September 7, 1971 by the Board of County Commissioners for the life of the use. This use is still in existence.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

Rural Area

The Goal is to maintain the separate identity of Rural Areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns

Policy 3.a. states that "Rural Areas as shown by a Plan map shall generally retain their rural character with development consisting primarily of ranches, farms and single-family homes on large lots; higher density may occur at appropriate locations – within rural village or planned communities. Overall gross densities shall not exceed one dwelling unit per acre.

In the East Mountain area, the average net density of permanent residential areas will be urban, the exact density to be determined by lower ranking plans, not this Plan."

Policy 3.b states "Development in Rural Areas shall be compatible with natural resource capacities, including water availability and capacity, community and regional goals and shall include trail corridors where appropriate."

Policy 3.f states “Development shall be carefully controlled in the East Mountain Area to prevent environmental deterioration, and to be compatible with the resource base and natural recreational and scenic assets.”

East Mountain Area Plan

Goals and Objectives

Land Use Section

Goal: To promote development that retains the unique character of the East Mountain Area.

Objective 1 states, “Emphasize development that consists primarily of ranches, farms and large-lot (minimum net lot size of two acres) single-family residential lots.”

Objective 4 states “Use natural resource capacities (water availability and quality, liquid waste disposal, and soil capacity), and community/regional goals as guidelines for development.”

Objective 6 states “Carefully control and limit development in floodplains and valley areas where flood danger, high water table, soils, air inversions, or preservation/maintenance of agricultural land inhibit development.”

Objective 9 states “ Control residential development in the East Mountain Area to prevent deterioration of the environmental and rural character, including scenic assets. Design guidelines should be developed for, but not limited to, the following.”

- a. Site disturbance
- b. Protection of mature trees and mature vegetation
- c. Building materials
- d. Signage
- e. Protection of ridge top, meadows, steep slopes and riparian areas (scenic vistas)
- f. Perimeter fencing (protection of wildlife migration routes)”

Environment

Goal: To maintain a dependable, quality water supply for the area

Objective 1 states “Minimize public health threats and water quality degradation resulting from on-site liquid waste disposal systems.”

Objective 2 states, “Provide greater emphasis on a total system approach to water resource management, recognizing the interrelationship between watershed quality, precipitation, recharge, stormwater runoff, consumptive use, and septic tank effluent.”

Objective 6 states “Encourage the use of alternative methods for collection, treatment, and disposal of wastewater effluent and residuals to reduce the potential for groundwater contamination and depletion.”

Goal: To maintain and improve the existing visual quality of the East Mountain Area.

Objective 4 states "Encourage the use of building materials that are in harmony with the landscape, minimize the alteration of existing vegetation and topography on buildings sites, and minimize the visibility of buildings and incidental structures.

Rural Character Page 37:

"Some more specific characteristics of the East Mountain Area follow:

"It is important to the East Mountain Area residents that rural character be preserved. People who choose to live in rural areas typically do so from an attachment to the different lifestyle available, an appreciation of the natural character of the area, and a belief that this character is important to preserve."

Policies and Recommendations Page 74

Land Use #2 All existing and future developments in the East Mountain Area (new subdivisions, new land divisions, and existing lots of record) have the potential to degrade the existing character and environmental conditions and must be controlled to prevent future degradation.

Land Use #3 Subdivision, land divisions, and development on existing lots in areas of poor soils, steep slopes, wildlife habitat areas and high scenic quality areas shall require special consideration relative to water supply, wastewater treatment, building siting, road layouts, drainage, and subdivision design.

Land Use #6 Average residential density for any new subdivision or land division within the East Mountain Area shall not be approved at less than 2 acre net lot size per single-family dwelling unit.

Water and Wastewater #8 All new subdivisions and land divisions in the East Mountain Area shall be required to study the effects of the development upon the ground-water supply over a 100-year period (prepared by a Hydrogeologist or Groundwater Hydrologist).

Drainage #3 Bernalillo County Public Works Department shall require all future subdivisions and land division in the East Mountain Area to submit an Erosion and Sediment Plan (during and after construction) for review and approval

Drainage #4 All development shall comply with the Federal Stormwater Quality regulations promulgated by the US EPA and as administered by Bernalillo County, the City of Albuquerque, or any other local governmental entities.

Bernalillo County Subdivision Ordinance

Sec. 74-32. Agency review.

- (d) *Adverse opinion.* If any opinion from a public agency is adverse, the county shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the county within 30 days to respond to the agency's concerns. The county shall forward such additional information upon receipt, to the appropriate agency, which shall have 30 days from the receipt of

the additional information to review and return a revised opinion. The county shall obtain receipts or other proof showing the date the additional information was received by each state or local agency. The applicant may contact any public agency directly to expedite the process.

- (e) *Revised opinion.* The county shall schedule a public hearing for consideration and action within 30 days after the receipt of a revised opinion from the appropriate agency. If the county does not receive a revised opinion within the specified 30 days after the date the subdivider submits the additional information, it shall proceed with the required public hearing.

Section 74-92. Quantification of annual water requirements

The following procedures shall be used to quantify the maximum allowable subdivision water use per year, for all subdivisions:

- (1) The maximum annual water requirements for both indoor and outdoor purposes, for each parcel in a residential subdivision shall be 0.6 acre-feet per year. The total annual water requirements for the subdivision in acre-feet per year, is computed by multiplying the number of parcels by 0.6.

Section 74-96. Water availability assessment for all type-one, type-two, and type-four subdivisions, and all type-three and type-five subdivisions containing six or more parcels

- (f) For community water systems in which an existing company is proposed as the source of water supply, the subdivider shall submit a water supply plan which meets the following requirements:

- (1) For all existing water utilities:
 - a. Name of the utility proposed as the source of supply. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least 70 years. The letter must also state any requirements for the subdivider to provide water rights.
- (2) For all new water utilities other than municipally owned water utilities and at the discretion of the county, existing utilities:
 - a. Documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the proposed subdivision;
 - b. For New Mexico Public Utilities Commission (PUC) certified utilities, a copy of the most recent annual report submitted to the PUC;

- c. Plans for the existing water system to which the proposed system will tie. The plans shall show diversion point locations, and water storage and distribution system. The size or capacity of the water system components should also be indicated on the plans; and
- d. Any other information, including any or all of the requirements of subsection (d) of this section required by the board of county commissioners to make a determination that the utility has the capability to meet the water requirements of the proposed subdivision.

ANALYSIS:

Surrounding Land Use and Zoning

The subject site is zoned A-2 and is in a residential area of the East Mountains where it is surrounded with A-2 zoning. The lot sizes being proposed to range in size from a minimum of 2.000 acres to a maximum of 3.028 acres. The lot sizes proposed are compatible to those surrounding the site and are in conformance to code requirements. A Special Use Permit for a Pet Cemetery situated directly southwest of the site exist and is still in operation.

Plans

The proposed request facilitates the Comprehensive Plan and the East Mountain Area Plan by generally retaining its rural character and proposing to develop the fourteen (14) lot subdivision with lots that will range in size from 2.000 acres to 3.028 acres that are well within the density requirements.

Bernalillo County Subdivision Ordinance

This request satisfies the requirements of the Bernalillo County Subdivision Ordinance for a Type Three Subdivision. In accordance with the Bernalillo County Subdivision Ordinance, the applicant has provided a Letter of Intent from Entronosa Water and Wastewater Association supporting water availability to the proposed Eagle Pointe subdivision as required by Section 74.95.f.1.a & 2.a.c.d of the Subdivision Ordinance

Section 74.95 f.1 and f.2 states, that the proposed utility for the source of water supply must provide a Letter of intent that they are "ready, willing and able to provide the maximum annual water requirements for the subdivision for at least 70 years." As stated in Section 74-92, the *maximum* water requirement should be based on 0.6 acres feet per year, per parcel. Furthermore, new water utilities (not municipally owned) and at the discretion of the county, existing utilities, will be asked to provide documentation showing present annual water quantity, quantity of water supply commitments to date, and any other information required by the Board of County Commissioners to deem the utility capable of meeting requirements of the proposed subdivision.

Agency Comments

The State of New Mexico Office of the State Engineer ("OSE") has reviewed and commented on the submittal and has issued a negative opinion that was received after the comment deadline of November 14, 2005. In accordance to Section 74-32(d) of the Subdivision

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Ordinance, the County has forwarded a copy of the adverse opinion to the subdivider. The OSE has commented that the developer has not provided enough evidence that the water supplier can provide water to this subdivision for the period prescribed by the County. The OSE does not believe that the water availability from the "Horton Well Field" has been reasonably demonstrated to meet the demands on the Entronosa Water and Wastewater Association over either Bernalillo County required 70-year period, or over the 100-year period required by the OSE Estancia Basin Guidelines. (Attachment 3). However a "Letter of Intent" submitted by Entronosa Water and Wastewater Association as called for in accordance to the Bernalillo County Subdivision Ordinance requirements has been submitted.

The Ciudad Soil and Water Conservation District has commented regarding the Disclosure Statement, grading and drainage, and irrigation and landscaping. Those concerns have been reviewed by the appropriate agencies (Attachment 4).

Although a "Letter of Intent" has been submitted by Entronosa, the Fire Department expressed concern regarding specific fire flows, pressures and storage for protection that may need to be addressed.

Conclusion

In accordance with the Bernalillo County Subdivision Ordinance, the applicant's proposal has been disseminated to the appropriate agencies and all agencies have had 30 days to comment on this request. With the exception of the Office of the State Engineer, all opinions have been favorable, which satisfies the requirements of the Bernalillo County Subdivision Ordinance. This request appears to be consistent with the land use designation of the Albuquerque/Bernalillo County Comprehensive Plan and the East Mountain Area Plan. The proposed lot sizes comply with the Code requirements for property zoned A-2 requiring two acres per lot and no objections to this request have been received.

RECOMMENDATION: Approval based on the following Findings and Conditions of Approval.

Adella Gallegos
Associate Program Planner

FINDINGS:

1. This request is for preliminary plat approval of a 14-lot subdivision called Eagle Point on

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Lot 5, Section 12, T10N R6E, LD-88-78, located north of Joe Nestor Road approximately 500 feet east of Mountain Valley Road, zoned A-2, containing approximately 32.26 acres.

2. This request falls within the Rural Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.
3. This request is consistent with the residential densities requirements called for in the East Mountain Area Plan.
4. This request is consistent with the health, safety, and general welfare of the residents of the County.
5. On October 13, 2005, the County Development Review Authority deemed this submittal complete for preliminary plat.

CONDITIONS OF APPROVAL

1. Prior to final plat approval, the grading and drainage plan must be approved by the Bernalillo County Public Works Division. A copy of the approval shall be submitted to the Zoning Building, Planning and Environmental Health Department.
2. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

Applicant has modified the disclosure statement to reflect the changes asked by Bernalillo County EH Office.

Fire:

An additional evacuation/access road maybe required in a wildland/forest interface area. Approval and/or occupancy pending approved water supplies for fire protection. Fire hydrants are generally installed according to spacing criteria that vary according to proposed land use. These hydrants may be required to be supplemented with additional hydrants when actual development takes place. BCFD Fire Prevention Bureau shall approve all waterline extensions. Water utilities shall submit plans and specifications prior to construction. Where new waterlines are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at not less than 1,000 feet spacing to provide for transportation hazards. A letter of intent shall be required from the utility to specify fire flows, pressures, and storage, which will be provided for fire protection.

Zoning Department Manager:

Plat is acceptable preliminary plat.

Public Works:

DRAN:

1. This platting action is a major subdivision. A grading and drainage plan prepared by an engineer licensed in the State of New Mexico and approved by Bernalillo County Public Works is required prior to final plat approval.

DRE:

1. Water is to be provided by Entronosa and letter of water availability is provided as required.
2. Disclosure Statement Item 18. Residential use is quantified as 220 gpd per household. This equates to only 0.246 acre-feet per year. The requirements per 74.92 are 0.6 acre-feet per year or 535 gpd, which even exceeds the stated peak demand. Consequently, assuming 18 dwellings, the necessary water requirement is calculated as 10.2 acre-ft.
3. Disclosure Statement Item 18-how with the water conservation measures listed herein be enforced? No copy of covenants is attached as indicated in Item 12. Please provide.
4. Disclosure Statement Item 17. The stated availability from Entronosa is for a total of only 8.4 acre feet, which would be correct for 14 units as stated in the Entronosa letter. A revised letter from Entronosa is needed to address 17 units, rather than 14, and an increase in water from 8.4 acre feet per year to 10.2 acre feet.

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5. Disclosure Statement Item 21. The requirement is that OSE (not Entranosa) indicate that a 70 year availability has been show. Please modify the statement according to OSE approval letter, once available.
6. Disclosure Statement Item 24. 1) No letter from OSE in on file with Bernalillo County. Please identify/submit a copy of the source of information. 2) The synopsis of the OSE opinion states in paragraph 1, that the subdivision contains only 14 lots. However, the sketch plat indicates 18. Therefore, a revised statement/review from the OSE is needed. 3) There are no regulations that "require" that a community water system be used, although it is preferred via East Mountain Area Planning documents – please modify the statement accordingly.
7. Disclosure Statement and accompanying Letter of Availability must be modified to address comments above prior to Preliminary Plat approval. If available, a copy of the OSE letter must be provided or the Disclosure Statement modified accordingly, prior to Preliminary Plat approval.
8. For Sketch Plat approval purposes, the Letter of Availability and the Disclosure State are sufficient in intent with regard to Water Availability.

Sheriff's: No comments received

COMMENTS FROM OTHER AGENCIES

MRGCOG: Received – "No Comment"

State of New Mexico, Office of the State Engineer:
See Attachment #3

Ciudad Soil and Water Conservation District:
See Attachment #4

AMAFCA: Received – "No comment "

APS: The proposed 14-lot subdivision, known as Eagle Point, is located near the intersection of Joe Nestor Road and Mountain Valley Road. This area is located in the Moriarty School District, therefore, will have no adverse impacts to the APS district.

NM Department of Transportation: Received – "No comments"

NEIGHBORHOOD ASSOCIATIONS:

East Mountain District 5 Coalition

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3. The applicant shall amend the Disclosure Statement to include the following:
 - a. Item No. 4, change the number "38" to "32.26".
 - b. Item No. 5, change size of largest parcel from "3.5" acres to "3.028" acres.
 - c. Item No. 24, change "type-two" subdivision to "type-three" subdivision.
 - d. Item No. 24, change the number "38" acre to "32.26" acre.
 - e. On Page 6 of the Disclosure Statement delete the following **"32. NATURAL RESOURCES CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT"**.
 - f. Renumber Items "33 through 45" as Items "32 through 44".